



**BRENCE CULP**  
Acting Chief Executive Officer

## County of Los Angeles **CHIEF EXECUTIVE OFFICE**

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*"To Enrich Lives Through Effective And Caring Service"*

### Board of Supervisors

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Fifth District

December 09, 2014

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

### **STATE LEGISLATIVE AGENDA FOR THE FIRST YEAR OF THE 2015-16 SESSION (ALL SUPERVISORIAL DISTRICTS AFFECTED) (3 VOTES)**

#### **SUBJECT**

The following recommendations represent the updated policies and proposals for the first year of the 2015-16 Legislative Session, which were developed in coordination with Board offices, County departments, and County Counsel. This package, together with other positions previously adopted by the Board, represent guiding principles for the County's advocacy efforts in Sacramento.

#### **IT IS RECOMMENDED THAT THE BOARD:**

1. Approve the additions, deletions, and changes to existing Board-adopted policies and positions for inclusion in the 2015-16 State Legislative Agenda (Attachment).
2. Instruct the Acting Chief Executive Officer and affected County departments to work with the Los Angeles County delegation, other counties and local governments, and stakeholders to pursue these policies, positions, and priorities in the State Legislature and with the Administration and its agencies.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The recommended changes seek to minimize the adverse impact of State actions on the County, achieve greater flexibility over the use of State funds, protect revenue sources for County-provided services, secure State financial assistance whenever possible, and promote the growth of the State and local economy.

## CALIFORNIA FISCAL OUTLOOK

On June 20, 2014, Governor Brown signed the FY 2014-15 State Budget Act, a \$107.8 billion spending plan that includes a \$1.6 billion reserve. In his signing message, the Governor noted that the State Budget pays down debt, shores up the teachers' retirement system, builds a solid rainy day fund, and directs additional funding for local schools and health care. Some of the key features of the budget include: 1) \$10 billion in new Proposition 98 funding for K-12 education; 2) continued funding for the expansion of Medi-Cal eligibility to provide health care coverage for an estimated 11.5 million persons; 3) \$500 million of additional lease revenue bond financing to counties for jail construction funding; and 4) \$100 million to begin repayment of \$900 million in pre-2004 mandate obligations owed to local governments.

While the FY 2014-15 State Budget Act reflects California's ongoing economic recovery, the Governor continues to caution that significant risks and liabilities remain, which could result in a return to fiscal deficits. The Governor has indicated that he intends to continue to prudently monitor the State's fiscal resources and pay down budgetary debt.

On November 19, 2014, the Legislative Analyst's Office (LAO) released its fiscal outlook for California which assumes continued moderate economic growth through 2020. The LAO projects that the State will collect approximately \$2.0 billion in additional revenue above the estimates included in the FY 2014-15 State Budget Act and projects approximately \$4.0 billion in total State General Fund reserves by the end of FY 2015-16, assuming no new spending commitments are made. While the LAO's outlook assumes future surpluses and the continued growth of budgetary reserves, the forecast also acknowledges that budget surpluses beyond FY 2015-16 could disappear with a sizable drop in the stock market or a slowdown in economic growth.

The LAO's fiscal outlook also notes that the estimated growth in State revenue will trigger \$170 million in additional mandate reimbursements to local governments in FY 2014-15. Coupled with the \$100 million appropriated in FY 2014-15, the LAO estimates that a total of \$270 million will be allocated to cities, counties, and special districts to pay a portion of outstanding mandate claims.

## COUNTY LEGISLATIVE PRIORITIES

In 2015, the County's initial advocacy priorities will be primarily concentrated on the renewal of the 1115 Medicaid Waiver, ongoing implementation of Federal Health Care Reform, jail construction funding, recidivism and diversion programs, reimbursement of mandate claims, and potential program realignment efforts, as listed below.

**Renewal of the 1115 Medicaid Waiver.** California's current 1115 Medicaid Waiver, "A Bridge to Reform," which provides initiatives to implement key provisions of the Affordable Care Act, including the expansion of Medi-Cal eligibility, is scheduled to expire in October 2015. The State has established a workgroup of key stakeholders to develop elements of the new Medicaid waiver and it is expected to present the proposed waiver request and to begin negotiations with the Federal Centers for Medicare and Medicaid Services in early 2015. The new waiver is vital for the County and for the successful implementation of Health Care Reform. The County anticipates that resources and program flexibility provided through a new waiver will be needed to continue the transformation of the County's health system into an integrated care delivery model. The County will work in collaboration with the Administration, the Legislature, and other stakeholders to ensure that the waiver renewal maximizes funding for services and facilities to support and strengthen the County's health care system and safety net, and to expand coverage and access for low-income individuals as provided under the Affordable Care Act.

**Health Care Reform Implementation.** Implementation of Federal Health Care Reform, including the expansion of Medi-Cal for newly-eligible persons, became effective January 1, 2014. This office will continue to work with the affected County departments to closely monitor and make necessary recommendations on legislative, budgetary, and administrative issues related to the implementation of Health Care Reform which may affect the County, including: 1) Medi-Cal outreach, enrollment and re-enrollment outcomes; 2) preservation of the existing health care safety net; and 3) access to services for the remaining uninsured, among other issues, as they arise. The County will also oppose any efforts to repeal the Affordable Care Act. The County will continue to advocate that the Administration work closely with counties and other stakeholders to ensure the ongoing successful implementation of Health Care Reform and to ensure that the County's health care system meets the demands of the newly-insured population, as well as those individuals who remain uninsured.

**Jail Construction Funding.** The County's jail system houses approximately 7,000 inmates who previously would have been sent to State prison. As a result of the 2011 Public Safety Realignment, the County is now responsible for housing more serious inmates for longer periods of time, placing significant pressure on county jail population management resources and forcing transformation of jail mental and medical health services into long-term and chronic care management. While the County has received approximately 30 percent of the AB 109 inmate population, the County has only been awarded about five percent of available jail construction funding to date.

The FY 2014-15 State Budget Act provides \$500 million of additional lease revenue bond financing to counties for jail construction funding, and contains specific County-sponsored language that directs the California Department of Finance to work with the County to identify potential State funding options to address mental health and infrastructure needs of the County's jail system, and to report back to the Joint Legislative Budget Committee by January 15, 2015. The County will continue to work with the Administration and the Legislature to develop an allocation methodology to address and provide additional funding for jail capacity expansion, treatment programs for inmates, and jail infrastructure improvements.

**Recidivism and Diversion Programs.** In 2014, the Board took several actions recognizing the County's need to provide more comprehensive rehabilitation, recidivism, and diversion programs, in particular for those individuals at higher risk of incarceration such as those suffering from mental illness, substance abuse disorders, and homelessness. This office will work with affected County departments to identify and support proposals to increase funding and expand supportive services, including behavioral health, substance abuse, housing, work force training, and recovery services which could help potential or recent offenders with rehabilitation. Such programs should help reduce the County jail and State prison populations, but most importantly, provide stabilizing treatment and multi-disciplinary supportive services to vulnerable adult and juvenile populations. Consistent with existing Board-approved policies, the County will advocate for proposals that would support efforts to help reduce recidivism and develop comprehensive diversion programs which provide local flexibility and discretion based on the County's specialized needs.

**Mandate Reimbursement.** As noted above, the FY 2014-15 State Budget plan includes \$100 million (\$16.5 million of which will be allocated to the County) to begin repayment of pre-2004 mandate obligations owed to local governments. However, the State owes local governments an additional \$800 million for this same purpose, of which the County is owed approximately \$163.5 million for mandated costs incurred prior to FY 2003-04. It is imperative that the State continues to fulfill its obligation to fully repay local governments for these costs as expeditiously as possible. Consistent with the County's efforts in 2014, we will continue to pursue and advocate for full reimbursement of all outstanding costs associated with the performance of State-mandated responsibilities and will

oppose any effort by the State to eliminate mandate reimbursement provisions from existing law.

Potential Program Realignment Efforts. As part of Governor Brown's realignment proposals released in January 2011, two phases of realignment were outlined. The first phase, enacted by the 2011 Public Safety Realignment, included the shift in responsibility from the State to counties for a number of public safety and health and human services programs. The Governor indicated that he would consider a second phase of realignment due to the shift of costs from counties to the State as uninsured individuals move to Medi-Cal under Health Care Reform. This was accomplished, in part, with the enactment of AB 85 of 2013, which established a formula to calculate 1991 Realignment health savings which counties are expected to achieve as a result of the Medi-Cal expansion under the Affordable Care Act. These savings were transferred to the State. The bill contained a County-specific formula which was developed by the Department of Health Services and the Administration to determine the County's share of savings while preserving funding for the health care safety net. Therefore, it is possible that the Administration may propose the realignment of additional programs in 2015, such as child care. Consistent with previous efforts, the County will oppose efforts by the Administration to realign additional programs and responsibilities to counties without negotiating directly with affected entities. Further, the County will oppose any effort to realign programs unless the State provides: 1) full funding which includes growth provisions from guaranteed and protected funding sources; 2) local control and program flexibility; and 3) protections that would prohibit the State from increasing programmatic responsibility and costs to counties without providing adequate funding.

## RECOMMENDED CHANGES TO THE COUNTY'S STATE LEGISLATIVE AGENDA

The recommended changes in the attachment represent requests from this office, departments and commissions, and Board offices to add or modify policy statements consistent with existing operational goals and plans. New policy statements represent emerging programs and issues for which we are seeking the Board's concurrence to guide future advocacy efforts in Sacramento. In addition, some policies are no longer applicable, and therefore, have been removed.

All other previously Board-adopted State Legislative Agenda policies and positions remain in effect, and as such, advocacy will continue on these matters. A revised comprehensive list of all State Legislative Agenda policy statements will be published subsequent to consideration of the changes included in this letter.

### **Implementation of Strategic Plan Goals**

The proposed policies in the State Legislative Agenda are consistent with the County's Strategic Plan Goals of Operational Effectiveness and Fiscal Sustainability. Operational Effectiveness is achieved by providing timely advocacy on proposals that could significantly impact the County and support the delivery of efficient public services. Fiscal Sustainability results from efforts by the CEO and County departments to sustain essential services through proactive and prudent fiscal policies.

### **FISCAL IMPACT/FINANCING**

None.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

None.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

No impact on current services.

**CONCLUSION**

The recommended additions, deletions, and changes to existing adopted policies are submitted for the Board's consideration as guiding principles for inclusion in the State Legislative Agenda for the second year of the 2015-16 Legislative Session. This office will ensure that all legislative positions pursued are communicated to the Board and that Board offices are provided the opportunity for input on those positions prior to any initial advocacy.

The policies and proposals contained in this package are in addition to, and are not intended to replace or be exclusive of any position the Board may adopt at any time during the year. As in the past, the State Legislative Agenda will be updated to reflect subsequent Board actions and will be shared with all County departments subsequent to Board approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brence Culp", written in a cursive style.

BRENCE CULP

Acting Chief Executive Officer

BC:RA

MR:IGEA:ma

Enclosures

c: Executive Office, Board of Supervisors  
County Counsel  
Auditor-Controller



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## RECOMMENDED CHANGES TO THE 2015-16 STATE LEGISLATIVE AGENDA

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# RECOMMENDED STATE LEGISLATIVE POLICIES ADDRESSING ISSUES OF MAJOR COUNTY INTEREST

## Table of Contents

1. CHILDREN AND FAMILIES .....	1
1.3 Child Care and Development .....	1
3. GENERAL GOVERNMENT .....	1
3.2 Land Use Planning .....	1
3.4 Consumer Protection .....	1
3.10 Library Services .....	2
3.17 Liability Protection and Mitigation.....	3
4. HEALTH .....	3
4.6 Public Health.....	3
4.10 Implementation of Health Care Reform.....	4
6. JUSTICE AND PUBLIC SAFETY .....	5
6.2 2011 Public Safety Realignment and AB 109 Program.....	5
6.6 Sex Offenders and Sex Trafficking .....	5
6.8 Fire.....	5
6.9 Animal Care and Control.....	6
8. MENTAL HEALTH.....	6
10. SOCIAL SERVICES .....	7
10.2 CalWORKs .....	7
10.6 In-Home Supportive Services .....	7
12. UTILITIES AND INFRASTRUCTURE .....	8
12.1 Energy .....	8
12.4 Underground Utilities .....	8

## 1. CHILDREN AND FAMILIES

### 1.3 Child Care and Development

- ~~7. Support efforts to expand the supply of appropriate early care and education services by including these services in city and county general plans.~~

**Justification:** The Department of Regional Planning (DRP) indicates that the County General Plan has become voluminous because of numerous new State mandates. DRP also reports that new provisions to support the broadening of child care services are pending Board approval as part of the pending General Plan update. DRP notes that the policy conflicts with current Board-approved policy to oppose unfunded land use and County General Plan-related mandates on local government and therefore is no longer necessary. (Requested by the Department of Regional Planning)

## 3. GENERAL GOVERNMENT

### 3.2 Land Use Planning

- ~~7. Support proposals to require the State to disclose how it computes the Regional Housing Needs Assessment allocations including how local information is used in these calculations.~~

**Justification:** The Southern California Association of Governments has statutory responsibility for the Regional Housing Needs Assessment calculations and shares its methodologies with local governments. Therefore, this policy is no longer needed. (Requested by Department of Regional Planning)

### 3.4 Consumer Protection

23. Support proposals that would authorize county consumer affairs directors, after legal review from counsel, to issue administrative subpoenas to investigate allegations of consumer fraud.

**Justification:** Proposed new policy. The Department of Consumer Affairs (DCA) investigates alleged violations of various consumer laws such as real estate fraud, loan scams, and unlawful debt collection practices. DCA collects evidence to determine if a violation of law has occurred; however, DCA does not have authority to require businesses to provide information regarding the allegations. An administrative subpoena is an official order, generally enforced through the courts, that compels a person or entity to provide a state or local administrative agency with information. Existing State law grants administrative subpoena power to the heads of State departments to use in investigating matters under their department's jurisdiction. This policy would allow the County to support proposals to provide this authority at the local level, specifically to the directors of county consumer affairs agencies who would issue administrative subpoenas following appropriate State and local processes as reviewed by departmental or local agency counsel. According to DCA, this would reduce investigation times, provide more thorough investigations, and improve the quality of the investigative reports and referrals to prosecuting agencies. (Requested by the Department of Consumer Affairs; concurred by County Counsel)



24. Support legislation that provides the public with increased transparency regarding the value, performance and/or financial standing of businesses, educational institutions, and consumer goods.

**Justification:** Proposed new policy. The Department of Consumer Affairs reports there has been a notable surge in the number of complaints against businesses and/or educational institutions that fail to provide the services or goods paid by for consumers. In the past fiscal year alone, the DCA received 254 complaints reporting mislabeled or misleading consumer goods. This policy would allow the County to support proposals that would help consumers be better informed about the viability of businesses, schools, and goods in which they may invest. (Requested by the Department of Consumer Affairs)

25. Support legislation that provides consumers with comprehensive information and/or education on financial products, including tax preparation services, debt consolidation agreements, and consumer and student loans.

**Justification:** Proposed new policy. The Department of Consumer Affairs indicates that it assists many consumers who, due to their lack of understanding of financial products, have encountered financial difficulties. This policy would allow the County to support proposals that would help to educate consumers about the full costs, terms, and adequacy of financial consumer goods. (Requested by the Department of Consumer Affairs)

26. Support legislation to increase civil penalties for the unauthorized practice of law.

**Justification:** Proposed new policy. Each year, the Department of Consumer Affairs investigates many cases of consumers who have fallen prey to the scams of unlicensed individuals claiming to be attorneys. Last fiscal year, DCA investigated 163 cases involving the unlawful practice of law. According to DCA, these fraudulent individuals charged high rates and provided little or no legal services. As a result, consumers are often in a worse situation than before they sought assistance. This policy would allow the County to support proposals to further deter this unlicensed activity, allow for stricter penalties for the unlicensed practice of law, and would provide additional opportunities for consumer restitution. (Requested by the Department of Consumer Affairs; concurred by the Office of the District Attorney)

### **3.10 Library Services**

3. Support proposals that provide State bond financing for public library construction or renovation, and provide funding for reasonable costs of facility needs assessments.

**Justification:** The Public Library reports that many library facilities are in dire need of renovations. In order to fully determine and estimate needs and costs, facility needs assessments are required in advance of a funding request. The Public Library notes that this additional language would allow the County to support proposals that would allow for the State Library or local jurisdictions to conduct needs assessments for library construction projects, allowing libraries to better provide valuable services to their customers. (Requested by the Public Library)

8. Support proposals that provide funding to connect public libraries to high-speed, high-capacity broadband infrastructure.

**Justification:** Proposed new policy. The Public Library indicates that providing full and equal access to information is a core mission of libraries. They note that Governor Brown recently approved funding in the FY 2014-15 State Budget Act to improve broadband internet access for all libraries in the State. The Public Library reports that many libraries still do not have access to high-speed broadband connectivity. This policy would allow the County to support proposals which would help provide persons living in disadvantaged communities to access on-line information and resources. (Requested by the Public Library)

### **3.17 Liability Protection and Mitigation**

5. Support or sponsor legislation that would clarify that self-insured governmental entities are not liable for the workers' compensation benefits for employees of contracted temporary service agencies whose insurer becomes insolvent, and support proposals that confirm that such liabilities are covered by the California Insurance Guarantee Association.

**Justification:** Proposed new policy. The CEO – Risk Management Branch and County Counsel indicate that the California Insurance Guarantee Association (CIGA) was established to pay the claims of insolvent property and casualty insurance carriers licensed in the State. This is accomplished by spreading losses suffered as a result of an insurer's insolvency throughout the insurance industry. In recent years, CIGA has taken the position that claims made by temporary contract agencies that contract with special employers, such as government entities, are not covered claims despite the premiums and surcharges paid for CIGA coverage. Under CIGA's argument, the special employer is liable. The County acts as a special employer when it contracts with temporary service agencies to meet short-term resource needs and specifically requires these agencies to carry workers' compensation insurance for their employees, and factors the insurance premiums into the contract rates paid by the County. However, due to CIGA's non-covered claim argument, the County has been exposed to and will incur millions of dollars in duplicate workers' compensation liabilities. This policy would allow the County to support or sponsor legislation that would protect the legal interests of self-insured government entities, legally-insured general employers whose insurer becomes insolvent, and the fiscal integrity of taxpayer monies, by ensuring employers are not exposed to duplicate workers' compensation liabilities. (Requested by the CEO – Risk Management Branch; concurred by County Counsel)

## **4. HEALTH**

### **4.6 Public Health**

19. Support proposals that would reduce exposure to secondhand smoke (SHS) and electronic nicotine delivery systems, including e-cigarettes ~~including: 1) reducing involuntary exposure to SHS in outdoor areas; 2) reducing involuntary exposure to SHS in multi-unit housing complexes; 3) reducing involuntary exposure from SHS in the~~ and indoor workplaces; and 4) would designate ~~designating~~ SHS and electronic nicotine delivery systems, including e-cigarettes, as a public nuisance.

**Justification:** The Department of Public Health indicates that the proposed revisions are consistent with the California Department of Public Health's priorities to: 1) reduce exposure to secondhand smoke, tobacco smoke residue, tobacco waste, and other tobacco products; and 2) reduce the availability of tobacco, including emerging products. Additionally, the World Health Organization and other public health experts recommend stronger regulations regarding electronic nicotine delivery systems, including electronic cigarettes. (Requested by the Department of Public Health)

#### **4.10 Implementation of Health Care Reform**

~~11. Support proposals that incorporate the Low-Income Health Plans created under the 2010 California Medicaid Waiver into the new delivery systems created under the Affordable Care Act.~~

**Justification:** On January 1, 2014, California implemented the expansion of the Medi-Cal Program provided under Health Care Reform. Individuals enrolled in Low-Income Health Plans were transitioned to Medi-Cal on that date. Therefore, this policy is no longer needed. (Requested by the Chief Executive Office; concurred by the Department of Health Services)

11. Support legislation to implement the renewal of the existing 1115 Medicaid waiver which maximizes federal funding to maintain the County's health care system and provides for the ongoing implementation of Health Care Reform.

**Justification:** Proposed new policy. California's current 1115 Medicaid Waiver, "A Bridge to Reform," which provides initiatives to implement key provisions of the Federal Affordable Care Act, including the expansion of Medi-Cal eligibility, is scheduled to expire on October 31, 2015. The State has established a workgroup of key stakeholders to develop elements of the new Medicaid waiver. The State is expected to present the proposed waiver request and to begin negotiations with the Federal Centers for Medicare and Medicaid Services in early 2015. The new waiver is vital for the County and for the successful implementation of Health Care Reform. The County anticipates that resources and program flexibility provided through a new waiver will be needed to continue the transformation of the County's health system into an integrated care delivery model. (Requested by the Chief Executive Office; concurred by the Department of Health Services)

16. Support proposals that continue funding for the safety net system to maintain or extend services for populations not covered by the Affordable Care Act and oppose proposals that would transfer fiscal responsibility for expanded health care services to counties.

**Justification:** This policy would allow the County to continue to support proposals to expand the health care safety net and would protect the County from attempts to shift additional costs for expanded health care services from the State to counties. (Requested by the Chief Executive Office)

## 6. JUSTICE AND PUBLIC SAFETY

### **6.2 2011 Public Safety Realignment and AB 109 Program**

8. Support proposals that would increase funding for AB 109 programs, and oppose proposals that would reduce the County's base share of AB 109 funding.

**Justification:** Proposed new policy. As authorized by the Legislature, the California State Association of Counties has submitted to the State a recommendation for a long-term funding distribution formula for AB 109 programs among counties. Based on this formula, the County will maintain an allocation that provides the County a specified percentage of total AB 109 funds. This policy would allow the County to oppose any proposals that would reduce this set allocation. (Requested by the Chief Executive Office)

### **6.6 Sex Offenders and Sex Trafficking**

6. Support ~~legislation~~ proposals that develop~~s~~ or enhance~~s~~ programs and services, and increase protections for victims of ~~child sex trafficking~~ commercial sexual exploitation.

**Justification:** The Department of Children and Family Services (DCFS) indicates that the above additions to the current policy would further allow the County to support proposals that focus on increasing protections for child victims of commercial sexual exploitation, including when their physical safety is at risk. Under SB 855 (Chapter 29, Statutes of 2014), child welfare agencies will also be responsible for protecting child victims of commercial sexual exploitation by allowing them to become dependents of the Juvenile Court. Furthermore, according to DCFS, with greater public awareness of the commercial sexual exploitation of children, the number of referrals is expected to increase in Los Angeles County. DCFS referrals from law enforcement and the Child Protection Hotline have been tracked to determine the number of children impacted by commercial sexual exploitation. Data collected by DCFS indicates that 333 children were identified as possible primary victims of commercial sexual exploitation out of 339 referrals received from January 2013 to June 2014. (Requested by the Department of Children and Family Services)

### **6.8 Fire**

9. Oppose legislation which would bypass or notably streamline fire planning or inspection processes for rooftop solar construction.

**Justification:** Proposed new policy. The Fire Department reports that rooftop solar construction has a significant impact on structural fire protection, and therefore, it is imperative that, with the increasing expansion of this energy source, extensive fire planning and inspection processes are not omitted. This policy would allow the County to oppose legislation that would allow the bypassing of crucial planning and inspection processes, which would pose a safety risk to the public. (Requested by the Fire Department)

10. Support proposals to fund equipment and training programs for local fire service agencies and other emergency responders who respond to hazardous material incidents.

**Justification:** Proposed new policy. The Fire Department notes that AB 1190 (Chapter 793, Statutes of 2014) and AB 380 (Chapter 533, Statutes of 2014) prescribe certain requirements to ensure State and local emergency response agencies are adequately prepared to respond to incidents involving the transportation of hazardous materials. This policy would allow the County to support funding proposals to assist fire service agencies and emergency responders in preparing for and responding to hazardous material incidents which would provide a higher level of protection to the public. (Requested by the Fire Department)

11. Support legislation that would expand eligibility and Federal funding through the Medi-Cal program for Emergency Medical Services first responders.

**Justification:** Proposed new policy. The Fire Department reports that the Ground Emergency Medical Transport (GEMT) program which was authorized under AB 678 (Chapter 298, Statutes of 2011) provides State funding, to match Federal funds, to compensate governmental providers for the unfunded mandate of transporting Medi-Cal patients. This addition would allow the County to support measures which would expand the GEMT program to include governmental providers of Emergency Medical Services (EMS) who are first responders, which would provide a crucial source of revenue to better support Fire's EMS program. (Requested by the Fire Department)

## **6.9 Animal Care and Control**

3. Support or sponsor legislation that would clarify existing law on the timeline and procedures by which local animal control agencies may seek reimbursement from owners for the impoundment and care of their animals pending an investigation of potential mistreatment or criminal neglect.

**Justification:** Proposed new policy. The Department of Animal Care and Control reports that animal control officers are required to seize and hold animals pending investigation of potential mistreatment or criminal neglect. If an owner declines to release his ownership interest in the animal, the impounding agency must hold the animal and provide housing and care while the criminal and/or administrative case work is resolved, which may take months or even years. Unfortunately, if not readily reimbursed by the animal's owner, these costs can notably strain the impounding agency's available resources. The Department of Animal Care and Control notes that current law does not provide clarity as to when and how impounding agencies may charge owners under investigation for the impoundment of their pets, nor are statutes clear on whether agencies are free to place the animal up for adoption should the owner fail to pay for the care and housing of the animal. This policy would allow the County to sponsor or support legislation that would clarify these matters, and ultimately help better sustain services provided by local animal control agencies. (Requested by the Department of Animal Care and Control)

## **8. MENTAL HEALTH**

24. Support proposals that clarify that public guardian services are mandated by the State and that reimbursement for related continuing education is a required mandated function.

**Justification:** Proposed new policy. The recommended policy is consistent with the County's efforts to obtain reimbursement for unfunded mandates through the Commission on State Mandates for services provided by the Public Guardian. (Requested by the Chief Executive Office)

## **10. SOCIAL SERVICES**

### **10.2 CalWORKs**

21. Support proposals that reimburse counties for payments and services to children who receive General Relief/General Assistance not aided by CalWORKs due to the Maximum Family Grant rule and live in a family where no one else is receiving a CalWORKs grant.

22. Support proposals to repeal the CalWORKs Maximum Family Grant rule which prohibits a CalWORKs grant increase for any child born into a family receiving CalWORKs Program aid for ten continuous months prior to the birth of a child.

**Justification:** Proposed new policies. The Department of Public Social Services (DPSS) indicates that the above new policies would allow the County to support proposals that allow a family to receive the full allocated amount of their monthly CalWORKs grant. Currently, the CalWORKs grant amount is not increased for any child born into a family that has received aid under the CalWORKs Program continuously for ten months prior to the birth of a child. Additionally, DPSS indicates that as a result of the McCormick vs. County of Alameda decision, in Los Angeles County, General Relief (GR) is now extended to children, under the Maximum Family Grant (MFG) rule, in families where no family member is receiving a CalWORKs grant. According to DPSS, repealing the MFG rule would eliminate the County's cost for extending GR to these MFG children, and this policy would allow the County to support proposals that repeal this rule. (Requested by the Department of Public Social Services)

23. Support proposals to repeal the CalWORKs 100-hour rule for working families who are low-income and apply for the CalWORKs Program.

**Justification:** Proposed new policy. According to DPSS, currently, the 100-hour rule applies only to two-parent families. The rule requires the parent who is the principal earner (PE) to have worked less than 100 hours in the four weeks prior to the application date in order to be eligible for the CalWORKs Program. DPSS indicates that the new policy would allow the County to support proposals that repeal the 100-hour rule which would help eliminate barriers to assistance for two-parent families by applying the same income eligibility determination criteria for all CalWORKs applicants regardless of the number of hours worked prior to the application date. (Requested by the Department of Public Social Services)

### **10.6 In-Home Supportive Services**

6. Oppose proposals to repeal or modify the agreed upon fiscal framework of the In-Home Supportive Services Maintenance of Effort which would result in cost shifts to counties.



**Justification:** Proposed new policy. The FY 2012-13 State Budget Act enacted policy within the Medi-Cal Program aimed at improving care coordination for individuals receiving both Medi-Cal and Medicare. As part of this Coordinated Care Initiative (CCI), policies affecting the In-Home Supportive Services (IHSS) Program include State Collective Bargaining for IHSS, the creation of a County IHSS Maintenance of Effort (MOE), and the creation of an IHSS Statewide Authority. Furthermore, provisions under current law, allow the California Department of Health Care Services to trigger this law to become inoperative and end the CCI, and all other provisions of the law, including the MOE. If the CCI is halted, State collective bargaining would return to counties and the MOE would revert to the pre-existing 35 percent non-federal county share-of-cost. According to DPSS, this policy would further allow the County to support proposals that would help to ensure that the current IHSS MOE fiscal framework, which is beneficial to Los Angeles County, remains in place and would mitigate any fiscal impact in the event the MOE is eliminated or repealed. (Requested by the Department of Public Social Services)

## **12. UTILITIES AND INFRASTRUCTURE**

### **12.1 Energy**

#### **18. Support legislation that enables local governments to receive reimbursement for qualifying activities when intervening and participating in energy regulatory proceedings.**

**Justification:** Proposed new policy. The Internal Services Department reports that the California Public Utilities Code allows certain individuals or groups that participate in proceedings before the California Public Utilities Commission (CPUC) involving electric, gas, water, and telephone utilities to request compensation for the costs associated with that participation, if they can show a financial hardship, and if they have made a substantial contribution to a CPUC decision. Reimbursement is available through a program administered by the CPUC referred to as the Intervenor Compensation Program. The Internal Services Department notes that most participants at CPUC proceedings are representatives of investor-owned utilities, trade associations which represent specific interests (agriculture, large manufacturing, solar industry, etc.), and non-profits or non-governmental organizations. Like non-profits or non-governmental organizations, local governments and local government coalitions represent the interests of broad customer or constituent groups (residential, low-income, disadvantaged, etc.) and provide a vital role at CPUC proceedings by advocating for fair, equitable and beneficial rates, utility programs and impacts for their constituents. However, the Internal Services Department indicates that, under current law, State, federal, or local government agencies are not eligible to receive intervenor compensation for participation in proceedings before the CPUC. This proposed new policy would allow the County to support proposals which would make local governments and local government coalitions eligible for intervenor reimbursement to cover costs associated with participation in CPUC proceedings on behalf of their constituents. (Requested by Internal Services Department)

### **12.4 Underground Utilities**

**Justification:** Proposed new section for new policies related to underground utilities projects.

#### **1. Support legislation that strengthens the enforcement of laws regulating excavations in the public right of way.**

2. Support legislation that exempts routine infrastructure maintenance activities of public agencies that excavate less than 12-inches deep from existing law which requires any party planning to conduct an excavation to contact the State's notification center prior to excavation.

**Justification:** Proposed new policies. Existing law requires those who excavate to follow a protocol that allows owners of underground utilities to mark the location of their facilities prior to excavation to ensure public safety and minimize damage to utilities. However, the Department of Public Works reports that excavators dig without following protocol and the State's current enforcement mechanisms could be improved to increase compliance. This same law impacts the County's routine maintenance activities such as shoulder grading and asphalt dig-outs, grinding, and patching, which technically fall under the current law but involve limited excavation and have no probability of impacting underground utilities (which are required by County ordinance to be buried a minimum of two feet below the surface). Following the required protocol for these routine maintenance activities increase the Department's administrative costs and work time by requiring personnel to make multiple trips per month to each site to mark the area and to confirm that the utilities have been properly marked prior to performing the work. The proposed policies would allow the County to advocate for strengthening the State's enforcement of the current law while also minimizing the County's administrative costs and work time for its routine maintenance activities that involve limited excavation. (Requested by Department of Public Works and County Counsel; concurred by the Department of Beaches and Harbors).

3. Support legislation to grant counties the right to object to and/or challenge public utilities projects that encroach on streets within their jurisdiction.

**Justification:** Proposed new policy. This proposal would amend the Public Utilities Code to grant counties the same rights as cities to object to and challenge public utility projects that encroach on streets within their jurisdiction. County Counsel indicates that the Court of Appeals decision in County of Los Angeles v. City of Los Angeles (2013, 214 Cal.App.4th 643) misinterprets the legislative purpose of those existing statutes by depriving counties of the same right to challenge projects by cities that encroach into their unincorporated territory that cities have to challenge encroachments by other cities. Requiring the local entity wishing to build the project to either obtain the consent of the officials representing residents or businesses impacted by the project or to obtain an independent judicial determination that weighs the rights and interests of both jurisdictions, would balance the interests of local public entities that wish to build utility projects with the interests of residents and local businesses that may be impacted by projects that are initiated by jurisdictions. (Requested by Department of Public Works; concurred by County Counsel)